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December 19, 2001

OFFICE OF THE
EXECUTIVE SECRETARY

David Waddell, Esq.
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: *Petition for Interconnection by Cinergy Communications Company
Against BellSouth Telecommunications, Inc.*
Docket No. 01-00987

Dear David:

In response to your letter of December 14, 2001, concerning the above-captioned arbitration petition, the parties submit the following joint response.

1. Does this petition for arbitration fall inside or outside the window set forth in section 252(b)(1) of the Telecommunications Act?

The petition was filed within the time provided by the federal Telecommunications Act.¹

2. Is this a binding arbitration pursuant to section 252 of the Telecommunications Act?

Yes, this is a request for binding arbitration pursuant to Section 252 of the Act.


3. Do both parties agree that the Authority should arbitrate this matter and that such decisions will be binding upon the parties?

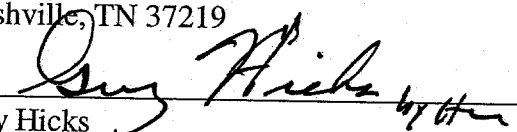
It is our understanding, based on a conversation with the TRA staff, that if questions one and two are answered in the affirmative, question three is moot.

¹ As stated in BellSouth's response to Cinergy's petition, it is BellSouth's position that certain issues that Cinergy is now asking the TRA to resolve were not raised by Cinergy during negotiations as required by the Telecommunications Act. Those issues (Issue 8, 9, 10, 11, 13, 14, 15, 18, 19 and 27) are therefore not properly raised and should not be addressed by the Arbitrators. Cinergy disputes BellSouth's position and believes that all issues raised in the petition should be addressed by the Arbitrators.

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Very truly yours,

By: 
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